

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7819

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

GEORGE HARRIS, a/k/a "George", a/k/a "Mr. G.",
a/k/a "G",

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. J. Calvitt Clarke, Jr., Senior District Judge. (CR-88-76-N; CA-95-789-N)

Submitted: May 13, 2004

Decided: May 19, 2004

Before WILKINSON, MOTZ, and DUNCAN, Circuit Judges.

Dismissed by unpublished per curiam opinion.

George Harris, Appellant Pro Se. Robert Joseph Seidel, Jr., Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

George Harris filed in the district court a motion entitled "Memorandum of Law in Support of Petitioner's Motion for Relief From Judgment." This motion, filed in 2003, was construed by the district court as a notice of appeal of the court's 1999 denial of Harris's successive challenge on his 1988 conviction. Although it does not appear that Harris was seeking to appeal the district court's 1999 order, to the extent his motion was construed as a notice of appeal, such an appeal is untimely. See Fed. R. App. P. 4(a). Because the appeal period is "mandatory and jurisdictional," we lack jurisdiction to consider Harris's claims. Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)). Accordingly, we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED